

The opinion in support of the decision being entered
today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PHILIP LEE CHILDS, JEFFREY MARK ESTROFF, and
MICHAEL T. VANOVER

Appeal 2007-0901
Application 10/063,402
Technology Center 2100

Decided: August 27, 2007

Before HOWARD B. BLANKENSHIP, JEAN R. HOMERE, and JAY P.
LUCAS, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal involves claims 5-14, 19, and 20, the only claims pending
in this application. We have jurisdiction under 35 U.S.C. §§ 6(b), 134(a).

INTRODUCTION

The claims are directed to isolating administrative access to managed client systems via a data center. The data center is used to control remote initiation of services in the managed client systems by an administrative system. (Abstract.) Claim 5 is illustrative:

5. A method for autonomic administration isolation for a secure remote management in a computer network, the method comprising:

(a) isolating administrative access to a plurality of client systems in a computer network via a data center; and

(b) utilizing the data center to control remote initiation of services in the plurality of client systems by an administrator system, the administrator system being a computer through which an administrator manages at least one of the plurality of client systems, wherein utilizing the data center further includes,

(b1) verifying authentication of the administrator system by the data center;

(b2) receiving a service command from the authenticated administrator system in the data center;

(b3) determining in the data center whether the authenticated administrator system has authorization to perform the service command in the at least one managed client system; and

(b4) issuing a trusted message from the data center to the at least one managed client system when the authenticated administrator system does have authorization to perform the service command.

The Examiner relies on the following prior art references to show unpatentability:

Batten-Carew	5,968,177	Oct 19, 1999
Davis	6,181,803 B1	Jan. 30, 2001

The rejections as presented by the Examiner are as follows:

1. Claims 5-7, 9-13, 19, and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Batten-Carew.
2. Claim 14 is rejected under 35 U.S.C § 103(a) as unpatentable over Batten-Carew.
3. Claim 8 is rejected under 35 U.S.C § 103(a) as unpatentable over Batten-Carew and Davis.

OPINION

The Examiner finds instant claim 5 to be anticipated by Batten-Carew. Appellants submit that the reference fails to disclose isolating administrative access to a plurality of client systems in a computer network via a data center.

Appellants acknowledge (Appeal Br. 4-5) that Batten-Carew discloses at column 7, lines 8 through 15 that the serving entity 12 (Fig. 1) processes administrative requests from administrative entities 16, 18. At step 108 (Fig. 3), the processed request is then provided either to the administrative entity that initiated the request or directly to the end-user. Batten-Carew teaches that typically the processed request will be provided to the administrative entity, which will subsequently provide the information to the end-user. Appellants conclude from this description that the reference fails to meet the terms of the claim because Batten-Carew “in the same embodiment” teaches that the administrative request “can also be” provided back to the administrative entity.

Appellants are either implicitly reading limitations from the Specification into the claims, or fail to appreciate what anticipation requires.

The law of anticipation does not require that a reference “teach” what an applicant’s disclosure teaches. Assuming that a reference is properly “prior art,” it is only necessary that the claims “read on” something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or “fully met” by it. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983). We can agree with Appellants’ position to the extent that the reference teaches that returning the processed request for further action by the administrative entity may be preferred, or may be more frequent, as compared to providing the processed request directly to the end-user. However, the reference clearly sets forth the alternative of providing the processed request directly to the end user.

Instant claim 5, and in particular part (a) that sets forth the step of “isolating administrative access,” does not preclude that some or even most management actions (e.g., remote initiation of services) may be performed by direct action between the administrator system and client systems. Moreover, so far as the language of part (a) is concerned, the isolation of administrative access may be no different from the requirement in the reference that an administrative entity must request permission from the serving entity before acting on client systems (e.g., Batten-Carew col. 4, l. 21 - col. 5, l. 12), thus isolating administrative access to the client systems via a data center. The claim is the place to express the limitations that are thought to distinguish over the prior art. “An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be

removed, as much as possible, during the administrative process.” *In re Zletz*, 893 F.2d 319, 322, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). Our reviewing court has repeatedly warned against confining the claims to specific embodiments described in the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323, 75 USPQ2d 1321, 1334 (Fed. Cir. 2005) (en banc).

Appellants also argue that Batten-Carew fails to disclose issuing a trusted message from the data center to at least one managed client system when the authenticated administrator system does have authorization to perform the service command (i.e., step (b4) of instant claim 5). Appellants again address column 7, lines 9 through 15 of the reference, but we note that Batten-Carew does not teach that the “administrative request” may be provided directly to the end user, but that the *processed* request may be provided directly to the end user. (*Cf.* Appeal Br. 6; Batten-Carew col. 7, ll. 8-15).

In any event, Appellants contend there is no mention in the reference of the serving entity (“data center”) issuing a trusted message directly to an end-user (“managed client system”). (Appeal Br. 6.) According to Appellants, paragraph 11 of the Specification discloses that a trusted message is a message that is encrypted and has an associated signature. (*Id.* 6-7.)

Actually, the Specification at paragraph 11 says that data center 18 issues an “appropriately signed, trusted message” to the intended client 16. The plain language of the Specification describes the “message” as being both “appropriately signed” and “trusted.” Under the precepts of English grammar, the comma in “*The Long, Hot Summer*” means that the summer is both long and hot. A comma is inserted between coordinating, but not

cumulative, adjectives. *See, e.g.,* Troyka et al., *Quick Access Reference for Writers*, 5th Ed. § 59(e), Pearson Education, Inc. (2007). We therefore disagree that the indicated section of the Specification teaches that a “trusted” message is a message that requires encryption and an associated signature. According to the Specification, a “trusted” message requires neither encryption nor an associated signature. While paragraph 11 of the Specification describes a preferred embodiment in which the message from the data center to the client system is signed and encrypted, instant claim 5 specifies neither signing or encryption.

Batten-Carew describes the entire system (Figure 1) as being a secured communications system or community. Col. 2, ll. 61-66. Batten-Carew does not describe the details of sending the processed request from the administrative entity to the end-user. However, the reference provides adequate support for the Examiner’s finding that the message is “trusted,” at least for the reason that the message is sent and received within the secured communications system (e.g., col. 2, ll. 61-66; col. 8, ll. 14-25). Moreover, the message is sent from a trusted third party, consistent with Appellants’ invention as described in the Specification, and thus may be fairly considered a “trusted message.”

Batten-Carew at column 7, lines 8 through 15 could be read as describing an alternative embodiment in which all processed requests are sent directly to the end-user. However, instant claim 5 (step (b4)) requires no more than one trusted message from the data center to one managed client system, which does not preclude that some (or even most) messages might be sent from the administrator system to the managed client system. We thus need not decide whether the reference describes an embodiment

(sufficient for anticipation) in which all processed requests are sent directly to the client system, because the claim does not distinguish over the embodiment acknowledged by Appellants where only *some* messages are sent directly from the data center to the client system.

We have considered all of Appellants' arguments in the briefs but are not persuaded of error in the Examiner's finding of anticipation. We sustain the rejection of claim 5, and of claims 6, 7, 9-13, 19, and 20, not separately argued. We also sustain the § 103 rejection of claims 8 and 14, because Appellants rely on the supposed error in the rejection applied against representative claim 5. *See* 37 C.F.R. § 41.37(c)(1)(vii).

CONCLUSION

In summary, the rejection of claims 5-14, 19, and 20 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

tdl/gw

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